

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION N	10. è	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/466,282		12/17/1999	DENNIS RUBEN	42543.3	9978	
28765	759	0 İ 1/24/2003		EXAMINER		
WINSTON & STRAWN			•	GARLAND,	GARLAND, STEVEN R	
PATENT 1400 L S		RTMENT `. N.W.		ART UNIT	PAPER NUMBER	
		, DC 20005-3502	·	2125	10	
			•	DATE MAILED: 11/24/2003	, 10	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action    Application No.   09/465,282   RUBEN ET AL.     Examiner   Steven R Garland   2125     THE REPLY FILED 10 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALL OWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Rollice of Appeal (with appeal fee); or (3) a timely filed (with appeal fee); or (3) a timely f									
Examiner  Steven R Carland  2125  -The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 10 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a firral rejection under 37 CFR 1.113 may only be either: (1) at timely filed amendment which places the application in condition for aniowance, (2) at timely filed of the final rejection.  PERIOD FOR REPLY (check either a) or b)  a) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. It no event, however, with the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The control of the final rejection is no event, however, with the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. See MPEP 2007 (FCR 1136) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final Office actions of the may be obtained under 37 CFR 1.136) and the appropriate extension (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if the period of action of the short of the period of the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if the final final office actions of the short of the final office action; or (2) as a forth in (b) above, if checked and plant term adjustment. See 7 CFR 1.74(5) (7 CFR 1.74(5)).  The proposed amendment(s) will not be entered becau		Application No.	ion No. Applicant(s)						
Examiner  THE REPLY FILED 10 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) at timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b)]  a) The period for reply expires 4 months from the mailing date of the final rejection. Period for reply expires 3 months from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension tee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension tee with the contraction of the solution of the soluti	Advisory Action	09/466,282	RUBEN ET AL.						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address  THE REPLY FILED 10 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.13 may only be eithers (1) at timely filled amendment which places the application in condition for allowance, (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.131 may of CFR 1	Advisory Action	Examiner	Art Unit						
THE REPLY FILED 10 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  Examination (RCE) in compliance with 37 CFR 1.13(4).  The period for reply expires on: (1) the mailing date of the final rejection.  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is tater. In or event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the six MONTHS from the mailing date of the final rejection. The period for the final rejection of event, however, will the statutory period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. The period for reply expires on: (2) as set to the final rejection of the major be obtained under 37 CFR 1.13(4). The date on which the petition under 37 CFR 1.13(4) as Called and the period of expires of the period of the period for final rejection. The substitution of the period of the period of the period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.79(4), to avoid dismissal of the appeal.  1 A Notice of Appeal was filed on		Steven R Garland	2125						
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filled amendment which places the application in condition for allowance; (2) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.    PERIOD FOR REPLY (check either a) or b]	The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
a)	Therefore, further action by the applicant is required to average final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appea	oid abandonment of this applicated abandonment of this application abandonent which the contraction are applicated as a secondary and application are contracted as a secondary and application are contracted as a secondary are contracted as a seco	ation. A proper reply of places the application	y to a ition in					
b)	PERIOD FOR RE	EPLY [check either a) or b)]		r					
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY MAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.91(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be cause it is not directed SOLELY to issues which wer									
fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. □ A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. ☑ The proposed amendment(s) will not be entered because:  (a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) □ they raise the issue of new matter (see Note below);  (c) □ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. □ Applicant's reply has overcome the following rejection(s):  4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the clai	no event, however, will the statutory period for reply expire I ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS	ater than SIX MONTHS from the mailing	date of the final rejection	on.					
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. □ The proposed amendment(s) will not be entered because:  (a) □ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) □ they raise the issue of new matter (see Note below);  (c) □ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) □ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. □ Applicant's reply has overcome the following rejection(s):  4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.	fee have been filed is the date for purposes of determining the period of fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of (2) as set forth in (b) above, if checked. Any reply received by the Office	of extension and the corresponding amount the shortened statutory period for reply of the later than three months after the mail	unt of the fee. The approriginally set in the final	opriate extension Office action: or					
<ul> <li>(a) ∑ they raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ they raise the issue of new matter (see Note below);</li> <li>(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ∑ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet.</li> <li>3.☐ Applicant's reply has overcome the following rejection(s):</li> <li>4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:</li> <li>6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: 24.</li> </ul>	1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFF	Brief must be filed within the pe	eriod set forth in f the appeal.						
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3.☐ Applicant's reply has overcome the following rejection(s):  4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) objected to: 24.	2. The proposed amendment(s) will not be entered be	ecause:							
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3.☐ Applicant's reply has overcome the following rejection(s):  4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) objected to: 24.	(a) X they raise new issues that would require further	er consideration and/or search (s	see NOTE below);						
issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.		-	,						
NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.		n better form for appeal by mate	rially reducing or sir	nplifying the					
<ul> <li>3. Applicant's reply has overcome the following rejection(s):</li> <li>4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:</li> <li>6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.</li> </ul>	(d) X they present additional claims without cancell	ng a corresponding number of fi	nally rejected claims	S.					
<ul> <li>4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:</li> <li>6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: 24.</li> </ul>	NOTE: See Continuation Sheet.								
canceling the non-allowable claim(s).  5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.	3. Applicant's reply has overcome the following reject	ion(s):							
application in condition for allowance because:  6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.		be allowable if submitted in a se	parate, timely filed	amendment					
raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.	5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because:	reconsideration has been consideration	dered but does NO	Γ place the					
explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to: 24.	6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY to	o issues which were	e newly					
Claim(s) allowed: Claim(s) objected to: <u>24</u> .	7. For purposes of Appeal, the proposed amendments explanation of how the new or amended claims we	(s) a)⊠ will not be entered or b) ould be rejected is provided belov	☐ will be entered a w or appended.	ind an					
Claim(s) objected to: 24.	The status of the claim(s) is (or will be) as follows:								
	Claim(s) allowed:								
	Claim(s) objected to: 24.								
	Claim(s) rejected: <u>1,6-9,11,18,21-23,25 and 26</u> .								
Claim(s) withdrawn from consideration:									
<del></del>	——————————————————————————————————————	roved or b) disapproved by the	ne Examiner						
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)									

, L. P.P.

LEO PICARD SUPERVISORY PATENT EXAMINER **TECHNOLOGY CENTER 2100** 

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03)

10. Other: \_

Continuation of 2. NOTE: Amended claims 21-23 and newly presented claims 27-38 would include new or changes in limitations which would require further conideration and/or search.